



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q63433

Masaharu TOMIYAMA, et al.

Appln. No.: 09/816,348

Group Art Unit: 2834

Confirmation No.: 6359

Examiner: Dang D. LE

Filed: March 26, 2001

For: MOTOR FOR DRIVING BLOWER FAN

RECEIVED
APR 17 2003
TC 2800 MAIL ROOM

SUBMISSION OF APPELLANTS' BRIEF ON APPEAL

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith please find an original and two copies of Appellants' Brief on Appeal. A check for the statutory fee of \$320.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: April 15, 2003



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APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.192, Appellants submit the following:

I. REAL PARTY IN INTEREST

Based on information supplied by Appellants, and to the best of the Appellants' legal representatives' knowledge, the real party in interest is CALSONIC KANSEI CORPORATION, by virtue of a Assignment recorded on March 26, 2001 at Reel 011646, Frame 0223.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representatives, and the assignee in this application are not aware of any other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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III. STATUS OF CLAIMS

Claims 1-4 and 6-11 are all the claims pending in the application. Claims 1-4 and 6-11 presently stand rejected.

Claims 1-4 and 6-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moribayashi et al. (5,576,588).

Thus, claims 1-4 and 6-11 are being appealed and are in the attached Appendix.

IV. STATUS OF AMENDMENTS

Appellants filed an Amendment under 37 C.F.R. § 1.111 on June 27, 2002, wherein claim 5 was canceled, claims 1, 4 and 6-8 were amended and claims 9-11 were added. A Request for Reconsideration under 37 C.F.R. § 1.116 was filed on November 21, 2002.

Appellants filed a Notice of Appeal on February 20, 2003, to appeal from the Final rejection of claims 1-4 and 6-11.

V. SUMMARY OF THE INVENTION

The present invention is directed to a motor for driving a blower fan (page 1, specification). In particular, the unit in which the motor is incorporated, is prevented from making noise by suppressing vibration which occurs to a case body (page 5, specification).

A case body 1 has a front end opening portion and a rear end opening portion (Fig. 1). A rear end plate 4 is fixed to the rear end opening portion and has a first bearing, while a front end plate 6 is fixed to the front end opening portion and has a second bearing. A rotary drive shaft

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10 goes through the central portion of the case body. A rotor 12 is fixed to a middle portion of the drive shaft, and a stator 2 is fixed to the inner surface of the case body so as to face the rotor.

A reinforcing portion is provided near an end portion of the stator. Referring to Figures 1 and 2, the reinforcing portion includes a ring portion 23 and a cylinder portion 24 extending from an outer peripheral edge of the ring portion.

With this construction, vibrations that typically occur in the case body can be effectively suppressed. In particular, the reinforcing ring prevents the rotor portions that are fixed to the case body from becoming deformed when the drive shaft rotates, thus, reducing vibration and noise in the case body (page 16, specification).

VI. ISSUES

Whether claims 1-4 and 6-11 are anticipated by Moribayashi.

VII. GROUPING OF CLAIMS

Claims 1-4 and 6-11 are pending. Claims 1, 3-4, 6 and 8-9 stand or fall together. Dependent claims 2, 7 and 10 each recite additional patentable subject matter, respectively, and thus, each stands or falls alone. Independent claim 11 stands or falls alone.

VIII. ARGUMENTS

A. Moribayashi fails to anticipate claim 1 because it fails to disclose the reinforcing portion of the claimed invention

Moribayashi is directed to a magnet type rotating machine. The Examiner asserts (Final Office Action, page 3) that holder plate 45 (see Figs. 28-32) is a reinforcing portion. This holder plate 45 is anchored to the yoke 41 in various ways.

However, the holder plate 45 does not have the same physical structure as the claimed reinforcing portion of claim 1.

Specifically, the reinforcing portion of the present invention "includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion." (See claim 1.)

On the other hand, Moribayashi merely discloses a holder plate 45 having a series of press-fitting holes 45c and punched out portions 41c bent from one direction (downward in Figs. 28-29), and a series of bent spring portions 45a and spacers 45b from the other direction (upward in the Figs.) (See Figs. 28-29 and co. 6, lines 30-60.) The Examiner asserts that the punched out portions 41c are cylinder portions (Final Office Action, page 3); however, these elements do not satisfy the structure of a cylinder. Even at its broadest interpretation, the cylinder portion of the present invention is clearly continuous, and would be understood to have a tube-like structure by one of ordinary skill in the art.

First, Appellants note that alleged cylinder portion 41c is actually part of the yoke 41 (see Fig. 29) which fit with the press-fitting holes 45c of the holder plate 45. (See col. 6, lines 45-47.) (Another example of punched out portions are shown as 43a as part of the bent portion 43

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in the left side of Fig. 28.) Thus, the alleged cylinder portion 41c is not even a part of the holder plate 45.

Second, if one were to look at the press-fitting holes 45c of the plate 45 (rather than the punched out portions 41c), it is clear that such press-fitting holes 45c are formed in tab-like portions (see Figs. 28 and 32) rather than a cylinder.

In view of the foregoing, Appellants respectfully submit that Moribayashi fails to disclose a reinforcing portion having the structure recited in claim 1.

Moreover, dependent claims 3, 4, 8 and 9 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

B. Moribayashi fails to anticipate claim 2 because it fails to disclose the reinforcing portion being integral with the case body

Regarding claim 2, this claim is also patentable because Moribayashi does not disclose the claimed reinforcing portion having a cylinder portion as discussed above regarding claim 1, and moreover, Moribayashi does not disclose such a reinforcing portion being integral with a case body.

Thus, Appellants respectfully submit that claim 2 is patentable for this additional reason.

C. Moribayashi fails to anticipate claim 7 because it fails to disclose an inclined conic surface of a cylinder portion of the reinforcing portion

Regarding claim 7, this claim is also patentable because Moribayashi does not disclose the claimed reinforcing portion having a cylinder portion as discussed above regarding claim 1, and moreover, Moribayashi does not disclose that an outer circumferential surface of a cylinder

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portion has a conic surface inclined so that the diameter increases as it moves away from the ring portion. The Examiner asserts that Moribayashi discloses this feature, although no comment is provided as to where this feature is shown in Moribayashi.

As mentioned above, Moribayashi does not disclose a cylinder portion. The asserted cylinder portion 41c is merely a punched out portion of the case body 41. There is no cylinder structure. Moreover, there is no inclined conic surface for the punched out portion 41c (or the press-fitting holes 45c). In contrast, the present invention provides a ring portion 23 with a cylinder portion 24 that is inclined outward (see Fig. 2). Since this feature is not disclosed in Moribayashi, claim 7 is patentable for these additional reasons.

D. Moribayashi fails to anticipate claim 10 because it fails to disclose a cylinder portion extending from the ring portion in a direction away from the stator

Regarding claim 10, this claim is also patentable because Moribayashi does not disclose the claimed reinforcing portion having a cylinder portion, and moreover, Moribayashi fails to disclose the unique positioning of the reinforcing portion of the present invention.

Specifically, the cylinder portion extends from the ring portion in a direction away from the stator, so that the ring portion is disposed between the cylinder portion and the stator. This positioning is illustrated in Fig. 1, for example.

As mentioned above, Moribayashi does not disclose a cylinder portion. The asserted cylinder portion is punched out portions 41c; however, these portions are actually a part of the yoke 41 and also do not constitute a cylinder structure. Still further, no other portions satisfy the structure of having a cylinder that extends from the ring portion in a direction away from the

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stator, i.e., a structure in which the holder 45 would be disposed between the portions 44 and such a cylinder. If the tabs (area near 45a) extending upward from the holder 45 are considered to be a cylinder, which Appellants respectfully submit do not for the reasons discussed above regarding claim 1, such tabs would be extending in a direction toward the stator, and thus, would not satisfy the limitation of claim 10.

Thus, Appellants respectfully submit that claim 10 is patentable for these additional reasons.

E. Moribayashi fails to anticipate claim 11 because it fails to disclose the claimed reinforcing portion that includes bent portions of the case body

Moribayashi also fails to anticipate the invention according to claim 11, because Moribayashi does not disclose U-shaped bent portions formed by end portions of the case body or that a stator is fixed to a base portion of the U-shape.

Regarding the U-shaped bent portions of the case body, the Examiner asserts that Fig. 19 discloses this feature. However, the so-called reinforcing portion 19 (Fig. 19) is actually a punched out portion of the yoke 16 and is not a bent portion and is not formed in a U-shape.

Regarding the positioning of the stator with respect to the case body, the magnet 18 of Moribayashi is not fixed to a base portion of a U-shape. Instead, the magnet 18 is merely pressed against a side of the punched out portion 19.

In view of the foregoing, Appellants respectfully submit that claim 11 is not anticipated by Moribayashi.

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IX. CONCLUSION

Appellants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The present Brief on Appeal is being filed in triplicate. Unless a check is submitted herewith for the fee required under 37 C.F.R. §1.192(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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APPENDIX

CLAIMS 1-4 AND 6-11 ON APPEAL:

1. A motor for driving a blower fan comprising:
 - a cylindrical case body having a front end opening portion and a rear end opening portion;
 - a rear end plate fixed on the rear end opening portion of the case body, the rear end plate having a first bearing;
 - a front end plate fixed on the front end opening portion of the case body, the front end plate having a second bearing;
 - a rotary drive shaft inserted into the central portion of the case body, the rotary drive shaft whose rear end portion is rotatably supported on the rear end plate through the first bearing and whose forward middle portion is rotatably supported on the front end plate through the second bearing;
 - a rotor fixed on the middle portion of the rotary drive shaft;
 - a stator fixed on the inner circumferential surface of the case body to face to the outer circumferential surface of the rotor; and
 - a reinforcing portion provided in the vicinity of an end portion of the stator, wherein the reinforcing portion includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion.

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2. The motor as set forth in claim 1 wherein the reinforcing portion is integrally formed with the case body.

3. The motor as set forth in claim 1 wherein the reinforcing portion reinforces a portion of the case body fixing the stator not to be deformed.

4. The motor as set forth in claim 1 wherein the ring portion is made of hard material, and the ring portion is fixed on a part of the inner circumferential surface of the case body and formed into an annular shape as a whole.

6. The motor for driving a blower fan as set forth in claim 1 wherein a length in the diametrical direction of the ring portion is no less than a thickness of the stator fixed on the inner circumferential surface of the case body.

7. (Amended) The motor as set forth in claim 1 wherein, before the ring portion is fixed, the outer circumferential surface of the cylinder portion has a conic surface inclined in a direction such that a diameter increases as a distance from the ring portion increases.

8. The motor as set forth in claim 1, wherein the ring portion is fixed by press fitting on a part of the inner circumferential surface of the case body.

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9. The motor as set forth in claim 1, wherein an outer surface of the cylinder portion engages with an inner circumferential surface of the case body.

10. The motor as set forth in claim 1, wherein the reinforcing portion is disposed in the case body so that the cylinder portion extends from the ring portion in a direction away from the stator, so that the ring portion is disposed between the cylinder portion and the stator.

11. A motor for driving a blower fan comprising:

a cylindrical case body having a front end opening portion and a rear end opening portion;

a rear end plate fixed on the rear end opening portion of the case body, the rear end plate having a first bearing;

a front end plate fixed on the front end opening portion of the case body, the front end plate having a second bearing;

a rotary drive shaft inserted into the central portion of the case body, the rotary drive shaft whose rear end portion is rotatably supported on the rear end plate through the first bearing and whose forward middle portion is rotatably supported on the front end plate through the second bearing;

a rotor fixed on the middle portion of the rotary drive shaft;

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a stator fixed on the inner circumferential surface of the case body to face to the outer circumferential surface of the rotor; and

a reinforcing portion provided in the vicinity of an end portion of the stator,

wherein the reinforcing portion includes bent portions that are formed by end portions of the case body that are bent toward an inside thereof, intermittently around an inner circumferential surface thereof, wherein said bent portions have a U-shape, and the stator is fixed at a portion of the inner circumferential surface of the case body which corresponds to a base portion of the U-shape.